

GARY SMITH SR.,)
)
Plaintiff,)
)
v.) No. 4:07CV1038 ERW
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. Upon review of plaintiff's financial affidavit, the Court finds that the motion should be granted.

Although plaintiff filed his complaint on the Court-provided form, he failed to state the date on which he received notice of the decision of the Appeals Council. Additionally, plaintiff filed the Notice of Appeals Council Action as an exhibit to the complaint but redacted the date from the document. As a result, the Court is unable to determine if it has jurisdiction over this case.

Additionally, the complaint does not state a demand for relief as required by Rule 8(a). In consequence, it is subject to dismissal.

Finally, plaintiff's only allegation regarding the final decision of the Commissioner is that "they don't see what is there." This allegation alone is insufficient to state a claim upon which relief can be granted, and the complaint is subject to dismissal under 28 U.S.C. § 1915(e)(2)(B).

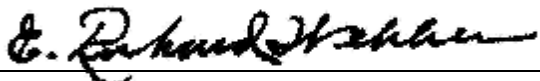
Because plaintiff is proceeding pro se, the Court will allow plaintiff to file an amended complaint within 30 days of the date of this Order. If plaintiff fails to timely file an amended complaint, this case shall be dismissed without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [#2] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff shall file an amended complaint within 30 days of the date of this Order. If plaintiff fails to timely file an amended complaint, this action shall be dismissed without prejudice.

Dated this 5th Day of June, 2007.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE